

**REMARKS**

Claims 1-41 are pending in this application.

Applicants have amended claims 1, 9, 20, and 22, and have canceled claims 42-44.

These changes do not introduce any new matter.

In response to the objection to the Abstract of the Disclosure (“the Abstract”), Applicants are attaching a new Abstract. Applicants respectfully submit that the new Abstract complies with M.P.E.P. § 608.01(b). Accordingly, Applicants request that the objection to the Abstract be withdrawn.

Regarding the objection to claim 43, Applicants have canceled this claim. As such, Applicants submit that the objection to claim 43 is moot.

Applicants respectfully request reconsideration of the rejection of claims 20 and 21 under 35 U.S.C. § 102(b) as being anticipated by *Uranaka* (U.S. Patent No. 5,937,158). As will be explained below, the *Uranaka* reference does not disclose each and every feature of independent claim 20, as amended herein.

Applicants have amended independent claim 20 to specify that the data structure on the detachable storage media includes a plurality of trigger data headers, with each of the plurality of trigger data headers being associated with corresponding ones of the plurality of auxiliary media content items, and each of the plurality of trigger data headers capable of being compared to user information to select particular ones of the plurality of auxiliary media content items.

The *Uranaka* reference discloses a system and method for connecting a portable media with a network. In the embodiment relied upon by the Examiner, an electronic textbook DVD is used in a correspondence education environment. Applicants respectfully submit that the electronic textbook DVD shown by *Uranaka* does not include any auxiliary media content because all the content thereon is related to the correspondence course and

therefore constitutes primary content. Regardless of the resolution of this issue, the media-utilizing information shown in Figure 7 of the *Uranaka* reference does not include trigger data headers having the features specified in claim 20, as amended herein. Thus, for at least the foregoing reasons, the *Uranaka* reference does not disclose each and every feature of claim 20.

Accordingly, claim 20 is patentable under 35 U.S.C. § 102(b) over *Uranaka*. Claim 21, which depends from claim 20, is likewise patentable under 35 U.S.C. § 102(b) over *Uranaka* for at least the same reasons set forth regarding claim 20.

Applicants respectfully request reconsideration of the rejection of claims 1-8, 20-23, and 25 under 35 U.S.C. § 102(e) as being anticipated by *Collart* (U.S. Patent No. US 6,453,420 B1)(as noted above, Applicants have canceled claims 42-44). As will be explained below, the *Collart* reference does not disclose each and every feature of independent claims 1, 20, and 22, as amended herein.

Applicants have amended independent claim 1 to clarify that the client console generates a user identifier. As specified in claim 1, the user identifier is uploaded to the download management server to enable access to specified content in the primary media content database, and user information is downloaded in the client console to trigger execution of specified auxiliary media content items based on comparison with the trigger data items. The amendments made herein to independent claim 20 are discussed above in connection with the anticipation rejection based on the *Uranaka* reference. Applicants have amended claim 22 to specify that the console includes logic for performing the various functions specified in the claim.

The *Collart* reference discloses a system and method for tracking the distribution of content electronically. Considering first claim 1, Applicants respectfully submit that the system and method shown by *Collart* are for the distribution of primary media content and

therefore do not include the aspects required to provide both primary media content and auxiliary media content as in the claimed invention. In particular, the *Collart* reference does not disclose a system in which user information is downloaded into the client console to trigger execution of specified auxiliary media content items based on comparison with trigger data items logically associated with each of the auxiliary media content items. In this regard, Applicants note that the portions of the *Collart* reference cited by the Examiner in support of this aspect of the rejection (column 15, lines 10-35 and column 19, lines 1-9) describe the providing of primary media content to a user. As such, for at least this reason, the *Collart* reference does not disclose each and every feature of claim 1, as amended herein.

Turning next to claim 20, the portion of the *Collart* reference cited by the Examiner in support of the trigger data aspect of the rejection (column 22, lines 41-60) also relates to the providing of primary media content to a user. Moreover, this portion of the *Collart* reference does not mention the use of trigger data headers, which are now specified in claim 20. In response to the Examiner's assertion that the claimed trigger data is inherently disclosed, Applicants respectfully submit that it would be unreasonable to conclude that the *Collart* reference inevitably includes trigger data headers as now specified in claim 20 because there are numerous other ways that the methodology described in the cited portion of the *Collart* reference could be implemented. Thus, for at least the foregoing reasons, the *Collart* reference does not disclose each and every feature of claim 20, as amended herein.

Addressing now claim 22, Applicants again note that the system and method shown by *Collart* are for the distribution of primary media content and therefore do not include the aspects required to provide both primary media content and auxiliary media content as in the claimed invention. In particular, the *Collart* reference does not disclose a console having logic for receiving primary content and user information from a server and loading an auxiliary content item selected from a plurality of auxiliary content items stored in a storage

media, with the selected auxiliary content item being associated with trigger data corresponding to user information so that the auxiliary content item is customized to the user information. Thus, for at least this reason, the *Collart* reference does not disclose each and every feature of claim 22, as amended herein.

Accordingly, independent claims 1, 20, and 22 are patentable under 35 U.S.C. § 102(e) over *Collart*. Claims 2-8, each of which ultimately depends from claim 1, claim 21, which depends from claim 20, and claim 23, which depends from claim 22, are likewise patentable under 35 U.S.C. § 102(e) over *Collart* for at least the same reasons set forth regarding the applicable independent claim.

Applicants respectfully request reconsideration of the rejection of claims 27, 28, 40, and 41 under 35 U.S.C. § 102(e) as being anticipated by *Hoffberg et al.* (U.S. Patent No. US 6,400,996 B1). As will be explained below, the *Hoffberg et al.* reference does not disclose each and every feature of independent claims 27, 28, and 40.

The *Hoffberg et al.* reference discloses an adaptive pattern recognition based control system. Each of claims 27 and 28 requires the creating of a record of playback of at least one auxiliary content item, and the uploading of the playback record to a server. The Examiner asserts that these features are met by the disclosure in the *Hoffberg et al.* reference at column 63, lines 12-18. This portion of the *Hoffberg et al.* reference merely states that the disclosed system and method includes “an accounting system which communicates information relating to receipt of commercial advertising information by a recipient to a central system for determination of actual receipt of information. This feedback system allows verification of receipt and reduces the possibility of fraud or demographic inaccuracies.” Applicants respectfully submit that this disclosure does not place the public in possession of a system and method that creates a record of *playback* of auxiliary content items, but instead merely relates to receipt of commercial advertising information (with no mention of playback). As such, for

at least this reason, the *Hoffberg et al.* reference does not disclose each and every feature of claims 27 and 28.

Regarding claim 40, the cited portions of the *Hoffberg et al.* reference relied upon by the Examiner (column 60, lines 10-17, column 62, lines 50-68, column 63, lines 12-24, and column 64, lines 39-43) do not unambiguously disclose a download management server that receives a record indicating playback of an auxiliary content item, and accumulates the playback record to assess a fee to an auxiliary content provider. As such, the *Hoffberg et al.* reference does not place the public in possession of the server network defined in claim 40 and therefore does not constitute a proper anticipatory reference.

Accordingly, independent claims 27, 28, and 40 are patentable under 35 U.S.C. § 102(e) over *Hoffberg et al.* Claim 41, which depends from claim 40, is likewise patentable under 35 U.S.C. § 102(e) over *Hoffberg et al.* for at least the same reasons set forth regarding claim 40.

Applicants respectfully request reconsideration of the rejection of claim 26 under 35 U.S.C. § 103(a) as being unpatentable over *Collart*. Claim 26 depends from independent claim 20, which has been distinguished from the *Collart* reference herein (see the above discussion of the anticipation rejection of claim 20 based on the *Collart* reference). As the Examiner has not identified any additional teachings that address the deficiencies of the *Collart* reference relative to claim 20, Applicants submit that both claim 20 and claim 26, which depends from claim 20, are patentable under 35 U.S.C. § 103(a) over *Collart*.

Applicants respectfully request reconsideration of the rejection of claims 9-19, 24, and 29-41 under 35 U.S.C. § 103(a) as being unpatentable over *Collart* in view of *Hoffberg et al.* (as noted above, Applicants have canceled claims 42-44). As will be explained below, the combination of *Collart* in view of *Hoffberg et al.* would not have suggested to one having

ordinary skill in the art the subject matter defined in independent claims 9, 13, 22, 29, 33, and 40.

Considering first claim 9, this claim requires, among other things, the storing of a record of auxiliary content viewed using the client console, and the uploading of this record to a download management server. Initially, Applicants notes that both the *Collart* reference and the *Hoffberg et al.* reference disclose a system and method for the distribution of primary media content and therefore do not include the aspects required to provide both primary media content and auxiliary media content as in the claimed invention. In support of the obviousness rejection, the Examiner asserts that the *Collart* reference discloses at column 24, lines 7-9, the storing of a record regarding the viewing of auxiliary content and the uploading of this content to a download management server. This portion of the *Collart* reference merely states that “a transaction is posted to the server database that memorializes the events associated with the unlock operation 1660.” The posting of information regarding an unlock operation neither constitutes nor suggests the storing of a record regarding viewed auxiliary content in the primary media content/auxiliary media content environment specified in claim 9. As the *Hoffberg et al.* reference does not cure this deficiency of the *Collart* reference, the combination of these references would not have suggested to one having ordinary skill in the art the subject matter defined in claim 9.

Turning to claim 13, the arguments made with respect to claim 9 also apply to claim 13. In addition, neither the *Collart* reference nor the *Hoffberg et al.* reference discloses or suggests the comparing of user information with trigger data logically associated with an auxiliary content item in a primary media content/auxiliary media content environment as specified in claim 13. Thus, for at least these reasons, the combination of *Collart* in view of *Hoffberg et al.* would not have suggested to one having ordinary skill in the art the subject matter defined in claim 13.

Regarding claim 22, as discussed above, the *Collart* reference does not disclose a console having logic for receiving primary content and user information from a server and loading an auxiliary content item selected from a plurality of auxiliary content items stored in a storage media, with the selected auxiliary content item being associated with trigger data corresponding to user information so that the auxiliary content item is customized to the user information. The *Hoffberg et al.* reference does not cure this deficiency of the *Collart* reference relative to claim 22. Thus, for at least this reason, the combination of *Collart* in view of *Hoffberg et al.* would not have suggested to one having ordinary skill in the art the subject matter defined in claim 22.

Addressing next claims 29, 33 and 40, the arguments made with respect to claim 9 also apply to claims 29, 33, and 40. Thus, for at least the same reasons set forth above regarding claim 9, the combination of *Collart* in view of *Hoffberg et al.* would not have suggested to one having ordinary skill in the art the subject matter defined in claims 29, 33, and 40.

Accordingly, for at least the foregoing reasons, independent claims 9, 13, 22, 29, 33, and 40 are patentable under 35 U.S.C. § 103(a) over the combination of *Collart* in view of *Hoffberg et al.* Claims 10-12, each of which depends from claim 9, claims 14-19, each of which ultimately depends from claim 13, claim 24, which depends from claim 22, claims 30-32, each of which depends from claim 29, claims 34-39, each of which ultimately depends from claim 33, and claim 41, which depends from claim 40, are likewise patentable under 35 U.S.C. § 103(a) over the combination of *Collart* in view of *Hoffberg et al.* for at least the same reasons set forth regarding the applicable independent claim.

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of claims 1-41, as amended herein, and submit that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the

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event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 749-6902. If any additional fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. SONYP010).

Respectfully submitted,  
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A handwritten signature in black ink, appearing to read 'P. B. Martine', with a horizontal line extending to the right.

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